REMARKS

Claims 1-27 are now pending in this application. Claims 6 and 18 have been amended and claim 27 has been added. The amendments find full support in the original specification, claims, and drawings. No new matter has been added. In view of the above amendments and remarks and follow, reexamination, reconsideration, and an early indication of allowance of claims 1-27 are respectfully requested.

The Examiner rejects claims 1-5 under 35 U.S.C. 102(e) as being anticipated by Kadambi (U.S. Patent No. 6,335,935). Applicant respectfully traverses this rejection.

Claim 1 recites "receiving a plurality of packets including respective first priorities on a first port" and "generating respective second priorities as a function of the respective first priorities." Kadambi fails to disclose or even suggest these limitations. Although Kadambi discloses a switch-on-chip (SOC) that can assign a weighted priority to a packet, Kadambi makes it clear that such weighted priority is "based either upon the destination address or the source address of the packet." (Col. 20, lines 29-39). There is nothing in Kadambi, however, that teaches or suggests "generating respective second priorities as a function of the respective <u>first priorities</u>" as is recited in claim 1. (Emphasis added). Accordingly, claim 1 is in condition for allowance.

Claims 6 and 18 have been amended to recite "receiving a packet with an included priority" and "determining a first priority for the packet <u>based on the included priority</u>." As set forth above, any weighted priority assigned by the SOC disclosed in Kadambi is based on a source or destination address, but not based on any included priority of a packet. Accordingly, claims 6 and 18 are also in condition for allowance.

Claims 2-5, 7-17, and 19-26 are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain.

Claim 27 is new in this application. Claim 27 recites a selectable prioritization method for a data communication switch that includes:

"receiving on a first port a packet with a tagged priority;

generating a first priority as a function of the tagged priority;

including the first priority in the packet;

marking the packet or not based on a first value associated with the packet;

identifying a second priority based on a second value associated with the packet; and

determining whether to apply the first priority or the second priority based on whether the packet is marked or not."

There limitations are neither taught nor suggested by Kadambi. Accordingly, claim 27 is also in condition for allowance.
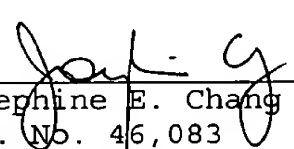
In view of the foregoing amendments and remarks, Applicant respectfully requests reexamination, reconsideration, and allowance of claims 1-27.

Attached hereto is a marked-up version of the changes made to the above-identified application by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

6.   (Amended)   A selectable prioritization method for a data communication switch, comprising the steps of:

receiving a packet <u>with an included priority</u>;

determining a first priority for the packet <u>based on the included priority</u>;

determining whether to mark the packet; and

prioritizing the packet or not in accordance with the first priority as a function of whether the packet is marked or not.

18.   (Amended)   A data communication switch, comprising:

a first network interface for receiving a packet <u>with an included priority</u> from a first network, for determining a first priority for the packet <u>based on the included priority</u>, for determining whether or not to mark the packet and for transmitting the packet; and

a second network interface coupled to the first network interface for receiving the packet, for prioritizing the packet or not in accordance with the first priority as a function of whether the packet is marked or not and for transmitting the packet to a second network.